

**Docket No.: 4590-506**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of	:	
	:	
Jean-Michel Hode	:	Confirmation No. 9147
	:	
U.S. Patent Application No. 10/574,291	:	Group Art Unit: Not Yet Known
	:	
Filed: March 31, 2006	:	Examiner: Not Yet Known

For: GENERATION OF AGITATION NOISE ACCORDING TO A PREDETERMINED  
HISTOGRAM

**RECONSIDERATION OF HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This document is submitted in response to the Notification of Abandonment dated July 30, 2007, which was improperly issued. The Notification states that the Applicant failed to respond to the Notification of Missing Requirements mailed November 13, 2006. However, Applicant filed a Response to Notice to File Missing Parts on November 22, 2006. Therefore, Applicant respectfully resubmits the Response to Notice to File Missing Parts, along with the Auto-Reply Transmission from the USPTO as evidence that it was timely filed and received. As shown, the statutory fee of \$130.00 was paid by credit card with the original Submission.

Applicant respectfully requests that the Holding of Abandonment be withdrawn and the application be reopened for prosecution.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit

any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP**

A handwritten signature in black ink that reads "Kenneth M. Berner". The signature is written in a cursive, flowing style.

Kenneth M. Berner  
Registration No. 37,093

1700 Diagonal Road, Suite 300  
Alexandria, Virginia 22314  
(703) 684-1111  
(703) 518-5499 Facsimile  
**Date: August 3, 2007**  
**KMB/mkl**

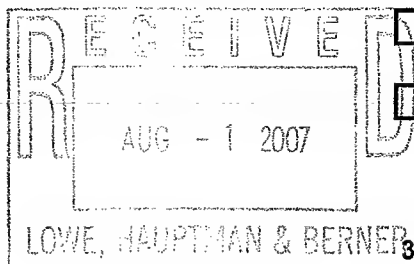


## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/574,291	FIRST NAMED APPLICANT Jean-Michel Hode	ATTY. DOCKET NO. 4590506
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33308  
 LOWE HAUPTMAN & BERNER, LLP  
 1700 DIAGONAL ROAD, SUITE 300  
 ALEXANDRIA, VA 22314



INTERNATIONAL APPLICATION NO.

PCT/EP04/52368

I.A. FILING DATE

PRIORITY DATE

09/30/2004

10/03/2003

CONFIRMATION NO. 9147

371  
 ABANDONMENT/TERMINATION  
 LETTER



\*OC000000025081839\*

Date Mailed: 07/30/2007

## NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 11/13/2006 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/909 (371 Abandonment Notice)

Auto-reply fax to 7035185499 COMPANY:



## Auto-Reply Facsimile Transmission

TO:

Fax Sender at 7035185499

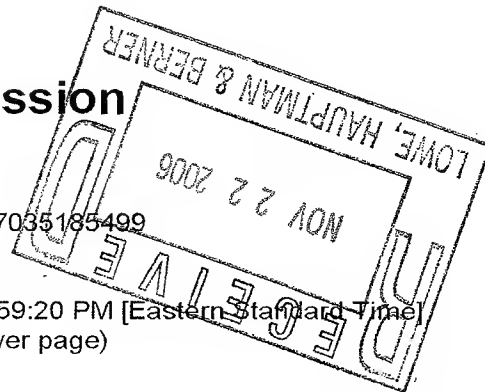
Fax Information

Date Received:

11/22/2006 12:59:20 PM [Eastern Standard Time]

Total Pages:

7 (including cover page)



**ADVISORY:** This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received  
Cover  
Page  
=====>

11/22/2006 WED 12:57 FAX 7035185499		001/007
Docket No.: 4590-506	PATENT	
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE		
In re Application of	:	
Jean-Michel HODE	:	Confirmation No. 9147
U.S. Patent Application No. 10/574,291	:	Group Art Unit: n/a
Filed: March 31, 2006	:	Examiner: n/a
For: GENERATION OF AGITATION NOISE ACCORDING TO A PREDETERMINED HISTOGRAM		
<b>RESPONSE TO NOTICE TO FILE MISSING PARTS</b>		
<b>Mail Stop Missing Parts</b> Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450		
Sir:		
This is in response to the Notice of Missing Parts of Application dated November 13, 2006, the period for response to which is set to expire on January 13, 2007. Submitted herewith are the following:		
<ul style="list-style-type: none"> <li>• Executed Declaration and Power of Attorney;</li> <li>• Late Declaration Surcharge: \$130.00 and</li> <li>• Copy of Notice to File Missing Parts</li> </ul>		
Attached hereto is a credit card payment form in the amount of \$130.00, which covers the fees for the above listed items. Please charge any deficiencies in the enclosed fees to Deposit Account 07-1337 and direct any inquiries in connection with this application directly to the undersigned.		
Respectfully submitted,		
LOWE HAUPTMAN & BERNER, LLP		
<i>Kenneth M. Berner</i> Kenneth M. Berner Registration No. 37,093		
1700 Diagonal Road, Suite 310 Alexandria, Virginia 22314 (703) 684-1111 KMB/cac Facsimile: (703) 518-5499 November 22, 2006		
CERTIFICATION OF FACSIMILE TRANSMISSION I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE ON THE DATE SHOWN BELOW <i>Constance (V) Berner</i> TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION SIGNATURE DATE 511-213-8300 FACSIMILE NUMBER		

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\*\*\* FAX TX REPORT \*\*\*  
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TRANSMISSION OK

JOB NO.	0956
DESTINATION ADDRESS	5712738300
PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	11/22 12:57
USAGE T	01' 52
PGS.	7
RESULT	OK

Docket No.: 4590-506

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:
Jean-Michel HODE	: Confirmation No. 9147
U.S. Patent Application No. 10/574,291	: Group Art Unit: n/a
Filed: March 31, 2006	: Examiner: n/a

For: GENERATION OF AGITATION NOISE ACCORDING TO A PREDETERMINED HISTOGRAM

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**Mail Stop Missing Parts**

Commissioner of Patents  
P.O. Box 1450  
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LOWE HAUPTMAN & BERNER, LLP

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In re Application of

Jean-Michel HODE

U.S. Patent Application No. 10/574,291

Filed: March 31, 2006

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Respectfully submitted,

LOWE HAUPTMAN &amp; BERNER, LLP

*Kenneth M. Berner*

Kenneth M. Berner  
Registration No. 37,093

1700 Diagonal Road, Suite 310  
Alexandria, Virginia 22314  
(703) 684-1111 KMB/cac  
Facsimile: (703) 518-5499  
November 22, 2006

CERTIFICATION OF FACSIMILE TRANSMISSION  
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMI-  
LE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE  
ON THE DATE SHOWN BELOW  
*Candance Chubb*  
TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION  
*C. Chubb* 11/22/2006  
SIGNATURE DATE  
571-273-8300  
FACSIMILE NUMBER

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**United States Patent & Trademark Office**  
**Credit Card Payment Form**  
**Please Read Instructions before Completing this Form**

**Credit Card Information**

**Credit Card type:** ☐ Visa ☐ Mastercard ☒ American Express ☐ Discover

**Credit Card Account #:** 3715 791450 91009

**Credit Card Expiration Date:** 07/2010

**Name as it Appears on Credit Card:** Kenneth M. Berner

**Payment Amount \$ (US Dollars):** 130.00

**Signature:** *Kenneth M. Berner*

**Date:** November 22, 2006

**Refund Policy:** The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after payment of a fee will not entitle a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amount (37 CFR 1.26). Refund of a fee paid by credit card will be via credit to a credit card account.

**Service charge:** There is a 50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)).

**Credit Card Billing Address**

**Street Address 1:** 5331 Strathmore Avenue

**Street Address 2:**

**City:** Kensington

**State:** Maryland

**Zip/Postal Code:** 20895

**Country:** USA

**Daytime Phone #:** 703-535-7054

**Fax #:** 703-518-5499

**Request and Payment Information**

**Description of Request and Payment Information:**

**Late Declaration Surcharge**

☒ **Patent Fee**

☐ **Patent Maintenance Fee**

☐ **Trademark Fee**

☐ **Other Fee**

**Application No.**  
10/574,291

**Application No.**  
10/574,291

**Docket No.**

**IDON Customer No.**

**Patent No.**

**Patent No.**

**Serial/Registration No.**

**Attorney Docket No.**  
4590-506

**Identity or Describe Mark**

**If the cardholder includes a credit card number on any form or document other than the Credit Card Payment Form, the United States Patent & Trademark Office will not be liable in the event that the credit card number becomes public knowledge.**

KMB/cac/6665



## UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/574,291	Jean-Michel Hode	4590506

INTERNATIONAL APPLICATION NO.

PCT/EP04/52368

I.A. FILING DATE

PRIORITY DATE

09/30/2004

10/03/2003

33308

LOWE HAUPTMAN GILMAN & BERNER, LLP  
 1700 DIAGNOSTIC ROAD, SUITE 300  
 ALEXANDRIA, VA 22314

CONFIRMATION NO. 9147

371 FORMALITIES LETTER

DOCKETED BY: JanDUE DATE: 1-13-07MISSING PARTS

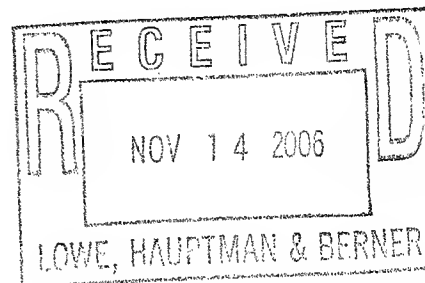
\*OC000000021191827\*

Date Mailed: 11/13/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/31/2006
- Copy of the International Search Report filed on 03/31/2006
- Preliminary Amendments filed on 03/31/2006
- Information Disclosure Statements filed on 03/31/2006
- U.S. Basic National Fees filed on 03/31/2006
- Assignment filed on 03/31/2006
- Priority Documents filed on 03/31/2006
- Specification filed on 03/31/2006
- Claims filed on 03/31/2006
- Abstracts filed on 03/31/2006
- Drawings filed on 03/31/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/574,291	PCT/EP04/52368	4590506

FORM PCT/DO/EO/905 (371 Formalities Notice)